

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of:	Storer <i>et al</i>	Confirmation No.:	2201
Serial No.:	10/608,907	Art Unit:	1623
Filed:	June 27, 2003	Examiner:	T. McIntosh III
For:	MODIFIED 2' AND 3' NUCLEOSIDE PRODRUGS FOR TREATING FLAVIVIRIDAE INFECTIONS	Attorney Docket No: (CAM:	11874-055-999 417451-999055) IDX 1018

**PETITION UNDER 37 C.F.R. 1.182**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Petition under 37 C.F.R. 1.182 to correct the current listing of inventors in the PTO records. Specifically, the correction requested is the addition of the following name to the Applicants listed on the Filing Receipt for the above-referenced application: "Paolo LaColla, Cagliari, ITALY."

**Remarks**

It has recently come to the attention of the current counsel of record that Paolo LaColla was omitted from the Filing Receipt dated April 8, 2004. From a review of the Imaged File Wrapper in PAIR, the original unexecuted Declaration and Power of Attorney forms, filed on June 27, 2003 with the original filing of the above-referenced application, listed Jean-Pierre Sommadossi, Gilles Gosselin, Richard Storer and Paolo LaColla as co-inventors (copy enclosed). In other words, four inventors were listed in this application as filed.

Similarly, the Notice to File Missing Parts requested submission of an executed oath or declaration from the four inventors. A response was filed by the firm previously handling prosecution of this application on January 12, 2004, as evidenced by the stamped postcard evidencing submission of four executed Declaration and Powers of Attorney forms. The Imaged File Wrapper in PAIR also shows that four executed Declaration and Power of Attorney forms (copies enclosed) were filed on January 12, 2004. On the front page of each executed Declaration and Power of Attorney form submitted in Applicants' Response to a Notice to File Missing Parts, four co-inventors were listed (*see* page 1, first paragraph, "In re

Application of: Jean-Pierre Sommadossi, Paolo LaColla, Richard Storer, Gilles Gosselin.”). According to the Imaged File Wrapper in PAIR, three of these forms were executed by three of the originally named four co-inventors: Jean-Pierre Sommadossi, Gilles Gosselin and Richard Storer. A fourth executed form appears also signed by Gilles Gosselin, that is, two forms signed by Gilles Gosselin are in the file while the form signed by Paolo LaColla is not in the record.

It is clear from the record that Jean-Pierre Sommadossi, Paolo LaColla, Richard Storer and Gilles Gosselin were listed as coinventors in this application, and they should be so listed on the Filing Receipt. However, Paolo LaColla was omitted from the Filing Receipt dated April 8, 2004. To the extent the USPTO records do not contain a copy of the executed declaration of Paolo LaColla, a copy of the executed Declaration and Power of Attorney of Paolo LaColla is enclosed.

### **Conclusion**

In view of the above, Applicants request that a Corrected Filing Receipt be issued listing all four inventors identified with the application as filed as well as identified on the executed Declaration and Power of Attorney forms filed on January 12, 2004. Further, entry of a copy of the executed Declaration and Power of Attorney of Paolo LaColla is requested to correct any inadvertent omission in the USPTO records.

The Commissioner is hereby authorized to charge any required fee(s), including the processing fee (\$400.00) set forth in 37 C.F.R. 1.17(f), to Jones Day Deposit Account No. 50-3013.

Date: May 28 2008

Respectfully submitted,

  
\_\_\_\_\_  
Dale L. Rieger                          43,045  
**JONES DAY**                              (Reg. No.)  
222 East 41st Street  
New York, New York 10017  
858.314.1188

*Enclosure(s)*

**DECLARATION AND POWER OF ATTORNEY**In re Application of: Jean-Pierre Sommadossi, Paolo LaColla, Richard Storer, and Gilles G sselin

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name. I believe I am a original or joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: Modified 2' and 3'-Nucleoside Prodrugs For Treating Flaviviridae Infections the specification of which was herein.

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<u>Application No.</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed Under 35 USC §119</u>
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I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

60/392,350 (Application No.)	June 28, 2002 (Filing Date)	60/466,194 (Application No.)	April 28, 2003 (Filing Date)
		60/470,949	May 14, 2003

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter disclosed and claimed in the present application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

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None

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Send correspondence to: Sherry M. Knowles  
**King & Spalding** Direct telephone calls at (404) 572-4600  
191 Peachtree Street, N.E., 45<sup>th</sup> Floor Sherry M. Knowles  
Atlanta, Georgia 30303

Full name of joint inventor: Jean-Pierre Sommadossi	Citizenship: FR
Inventor's signature:	Date:
Residence and Post Office Address: 7 Lowell Street, Cambridge, MA 02138 US	

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191 Peachtree Street, N.E., 45<sup>th</sup> Floor Sherry M. Knowles  
Atlanta, Georgia 30303 Date:

Full name of joint inventor: Paola LaColla	IT
Inventor's signature:	
Residence and Post Office Address: 5 Strada no. 11, Poggio dei Pini; 09012 Capoterra; Cagliari Italy	

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Atlanta, Georgia 30303

Full name of joint inventor: Richard Storer	Citizenship: GB
Inventor's signature:	Date:
Residence and Post Office Address: Sandgate Point; The Leas; Folkstone, Kent, UK CT 20 2 JE	

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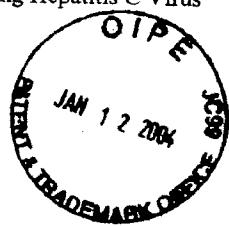
Full name of joint inventor: Gilles Gosselin	Citizenship: FR
Inventor's signature:	Date:
Residence and Post Office Address: 82 Rue Calvin; 400 Avenue Paul Rimbaud 34080; Monpellier, France	

The U.S.P.T.O official mailroom stamp affixed hereto acknowledges receipt of the items listed below.

Applicants: Jean-Pierre Sommadossi *et al.* Confirmation No. 2201  
Serial No.: 10/608,907 Art Unit : N/A  
Filed: June 27, 2003  
Title: Modified 2' and 3'-Nucleoside Prodrugs For Treating Hepatitis C Virus

- Papers Submitted:
1. Transmittal of Missing Parts (1 p.)
  2. Part 2 of Missing Parts Notice (1 p.)
  3. Declarations and Powers of Attorney (4 each)
  4. Certificate of Mailing (1 p.)

Attorney Sherry M. Knowles, Esq.  
Date Mailed January 8, 2004  
Docket IDX 1018 06171.105084



1/12/04  
1/12/04

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Sherry M. Knowles

Full name of joint inventor: Richard Storer	Citizenship: GB
Inventor's signature: <i>Richard Storer</i>	Date: 8-13-03
Residence and Post Office Address: Sandgate Point; The Leas; Folkstone, Kent, UK CT 20 2 JE	

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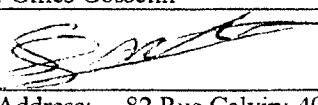
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 Sherry M. Knowles

Full name of joint inventor: Gilles Gosselin	Citizenship: FR
Inventor's signature: 	Date: 14-7-03
Residence and Post Office Address: 82 Rue Calvin; 400 Avenue Paul Rimbaud 34080; Monpellier, France	



**DECLARATION AND POWER OF ATTORNEY**In re Application of: Jean-Pierre Sommadossi, Paolo LaColla, Richard Storer, and Gilles Gosselin

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name. I believe I am a original or joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: 2' and 3'-Nucleoside Prodrugs For Treating Flaviviridae Infections which was filed on June 27, 2003 as U.S. Patent Application No. 10/608,907

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. *I understand that I have a duty of candor and good faith toward the Patent and Trademark Office,* and I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of the foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate disclosing subject matter in common with the above-identified specification and having a filing date before that of the application on which priority is claimed:

<u>Application No.</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed Under 35 USC §119</u>
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I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

60/392,350	June 28, 2002	60/466,194	April 28, 2003
(Application No.)	(Filing Date)	(Application No.)	(Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter disclosed and claimed in the present application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>
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None

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

POWER OF ATTORNEY: The following are hereby appointed to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Sherry M. Knowles-33,052; W. Scott Petty-35,645; Madeline I. Johnston -36,174; Clark G. Sullivan-36,942; Holmes J. Hawkins-38,913; Steven P. Wigmore-40,447; Charles E. Peeler-45,004; Rebecca J. Kaufman- 44,819; Shane A. Nichols-43,836; Bob Neufeld-48,394; Bill Isaacs-44,165; Michael S. Pavento-42,985; James M. Hannon-48,565; Natasha Horne Moffitt-53,340; Hoang M. Vo.-47,158; Stephanie D. Adams-47,378; Suzanne Hollinger-51,811; Charles Thorpe Jr.-48,782.

Send correspondence to:

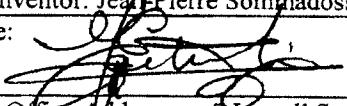
Sherry M. Knowles

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191 Peachtree Street, N.E., 45<sup>th</sup> Floor  
Atlanta, Georgia 30303

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Sherry M. Knowles

Full name of joint inventor: Jean Pierre Sommadossi	Citizenship: FR
Inventor's signature: 	Date: 31-Ju-03
Residence and Post Office Address: 7 Lowell Street; Cambridge, MA 02138 US	

**DECLARATION AND POWER OF ATTORNEY**

In re Application of: Jean-Pierre Sommadossi, Paolo LaColla, Richard Storer, Gilles Gosselin

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name. I believe I am a original or joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: Modified 2' and 3'-Nucleoside Prodrugs For Treating Flaviviridae Infections the specification of which was herein.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. *I understand that I have a duty of candor and good faith toward the Patent and Trademark Office*, and I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

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<u>(Application No.)</u>	<u>(Filing Date)</u>	<u>60/466,194</u>	<u>April 28, 2003</u>
<u>60/392,350</u>	<u>June 28, 2002</u>	<u>60/470,949</u>	<u>May 14, 2003</u>

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IDX 1018

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Full name of joint inventor: Gilles Gosselin	Citizenship: FR
Inventor's signature:	Date: July 18, 2003
Residence and Post Office Address: 82 Rue Calvin; 400 Avenue Paul Rimbaud 34080; Montpellier, France	

**DECLARATION AND POWER OF ATTORNEY**In re Application of: Jean-Pierre Sommadossi, Paolo LaColla, Richard Storer, Gilles Gosselin

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Full name of joint inventor: Paola LaColla	IT
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